

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jeremy Clay Orr,) Case No. 3:24-cv-04385-DCC
)
 Plaintiff,)
)
 v.) **ORDER**
)
 Virginia F. Belcher and Jeanette W.)
 McBride,)
)
 Defendants.)
)

This matter is before the Court on Plaintiff's pro se complaint. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings and a Report and Recommendation ("Report"). On September 12, 2024, the Magistrate Judge issued a Report recommending that this action be summarily dismissed. ECF No. 12. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Plaintiff has not filed objections, and the time to do so has lapsed.¹

¹ On September 23, 2024, Plaintiff filed a motion to stay. ECF No. 14. The Court denied the motion and extended his time to file objections until October 25, 2024. ECF No. 26. To date, Plaintiff has not filed objections to the Report. The Court is of the firm opinion that the motion to stay should not be construed as objections.

APPLICABLE LAW AND ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As noted above, Plaintiff did not file objections to the Report. Upon review for clear error, the Court adopts the recommendation of the Magistrate Judge. This action is **DISMISSED** without prejudice, without leave to amend, and without issuance and service of process.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

December 12, 2024
Spartanburg, South Carolina